

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 and 23-30 are pending in the present Application. Claims 24 and 25 are amended to address cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: an objection has been made with respect to Claims 24 and 25 due to informalities; Claims 18, 19 and 23-30 stand rejected under 35 U.S.C. § 102 as being anticipated by Walton et al. (U.S. Patent Application Publication No. 2002/0154705, hereinafter "Walton"); and Claims 1-17 stand allowed.

Applicant appreciatively acknowledges the identification of allowable subject matter in Claims 1-17.

OBJECTIONS TO THE CLAIMS

In response to the objection to Claims 24 and 25 outlined in paragraph 2 of the Official Action, Applicant has amended these claims to correct typographical errors.

Accordingly, Applicant respectfully requests the objection to these claims be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Applicant submits herewith a Declaration of Prior Invention under 37 C.F.R. § 1.131 establishing a date of conception coupled with due diligence starting prior to the filing date of Walton and continuing through the filing of the priority document EP 00 108 459.9 on April

18, 2000.¹ In view of this filed Declaration, Walton is not available as reference under 35 U.S.C. § 102.²

CONCLUSION

Should the Examiner believes any additional formal matters need to be addressed to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned by telephone at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-19 and 23-30, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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¹ Applicant notes that an English translation of the priority document has been previously provided to the USPTO.

² The date of the invention report attached to the Declaration under 37 C.F.R. § 1.131 was removed by cancel.